

PATENT
Attorney Docket No. 07681.0019-01
Customer No. 22,852



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Keith Campbell et al.) Group Art Unit: 1632

Serial No.: 09/989,126) Examiner: D. Crouch

Filed: November 21, 2001)

For: UNACTIVATED OOCYTES AS CYTOPLAST
RECIPIENTS FOR NUCLEAR TRANSFER

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

SUBMISSION OF TERMINAL DISCLAIMERS

Applicants submit herewith three (3) Terminal Disclaimers in the above-referenced application, each of which has been executed by applicants' attorney of record on behalf of the assignees (Roslin Institute and Department for Environment, Food & Rural Affairs).

Please associate these papers with the above-referenced application. The requisite fee of \$330 is enclosed.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Please grant any extensions of time required to enter this paper and charge any additional required fees to our deposit account 06/0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 11, 2002

By: 

Kenneth J. Meyers
Reg. No. 25,146
Tel: 202-408-4000
Fax: 202-408-4400
E-mail: ken.meyers@finnegan.com

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
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PATENT
Customer No. 22,852
Attorney Docket No. 07681.0019-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E
APR 11 2002
PATENT & TRADEMARK OFFICE 8425
In re Application of:)
CAMPBELL et al.) Group Art Unit: 1632
Serial No.: 09/989,126) Examiner: D. Crouch
Filed: November 21, 2001)
For: UNACTIVATED OOCYTES AS)
CYTOPLAST RECIPIENTS)
FOR NUCLEAR TRANSFER)

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

TERMINAL DISCLAIMER

Assignees, Roslin Institute and Department for Environment, Food & Rural Affairs (having taken over the governmental functions of the Minister of Agriculture, Fisheries & Food), represent that they are the assignees of the entire right, title and interest in and to the instant application, Application No. 09/989,126, filed November 21, 2001.

Assignees hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,252,133. Assignees hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP
1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

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patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignees do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer. If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916.

The undersigned is an attorney of record.

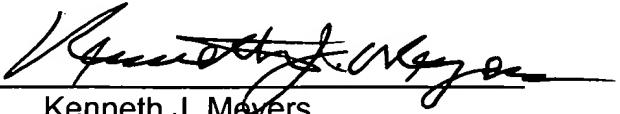
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

Dated: April 11, 2002

By:


Kenneth J. Meyers
Reg. No. 25,146

SUBJECT: DECISION ON TERMINAL DISCLAIMERS IN INFORMAL FORM

DATE: 6/20/02

APPL. S.N.: 09 989126

TO EXAMINER: Cranch

ART UNIT: 16.32 MAILROOM DATE 4/11/02

ROOM

AFTER FINAL YES NO NUMBER OF T.D(S). FILED 3

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this Informal memo in your next office action to notify applicant about the T.D. If you disagree with my analysis or have questions at all about the acceptability of the T.D., please see me or our Special Program Examiner. THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE LEFT IN FILE.

The T.D. is PROPER and has been recorded. (See 14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24).

The recording fee of \$ _____ has not been submitted nor is there any pre authorization in the application file to charge to a deposit account. (See 14.26.07)

Application Examiner has not processed T.D. fee. (See fee authorization).

The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T.D. has not stated his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent. (See 14.26 and 14.26.01).

The T.D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting rejection, Rule 321(c). (See 14.27, 14.27.01).

It is directed to a particular claims(s), which is not acceptable since "the disclaimer must be of a terminal portion of the term of the entire patent to be granted". MPEP 1490. (See 14.26, 14.26.02).

The person who signed the terminal disclaimer:

has failed to state his/her capacity to sign for the business entity. (See 14.28).

is not recognized as an officer of the assignee, (See 14.29 and possibly 14.29.01).

No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame specified as to where such evidence is recorded in the office. 37 CFR 3.73(b). (See 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30).

No "statement" specifying that the evidentiary documents have been reviewed and that, to the best of the assignee's knowledge and belief the title is in the assignee seeking to take action. 37 CFR 3.73(b). (See 1140 O.G. 72) (See 14.31).

The T.D. is not signed. (See 14.26, 14.26.3). or 14.26.03 if TD is not signed by all the owners.

Attorney not of record in oath/decl. or a separate paper filed appointing a new or associate attorney. (See 14.29.01).

The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32).

The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed) is missing or incorrect. (See 14.26, 14.26.04 or 14.26.05).

The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3) (For Samples 14.27.04 and 14.27.05)

Other: _____

Suggestion to request refund of \$ _____ . (See 14.35, 14.36).

EXAMINER NOTE: IF APPLICATION IS IN CONDITION FOR ALLOWANCE ANY OF THE ABOVE INFORMALITIES MAY BE FAXED IN TO THE GROUP

FOR SAMPLE TERMINAL DISCLAIMERS AND CERTIFICATES:

- Sample of a T.D. over a pending application and assignee Certificate (See 14.37).
- Sample of a TD over a prior patent and assignee Certificate (See 14.38).
- Sample Assignee Certificate under 37 CFR 3.73 (b) (See 14.39)

PATENT
Customer No. 22,852
Attorney Docket No. 07681.0019-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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O I P E
APR 11 2002
PATENT & TRADEMARK OFFICE 9414
In re Application of:)
CAMPBELL et al.) Group Art Unit: 1632 APR 15 2002
Serial No.: 09/989,126) Examiner: D. Crouch TECH CENTER 1600/2900
Filed: November 21, 2001)
For: UNACTIVATED OOCYTES AS)
CYTOPLAST RECIPIENTS)
FOR NUCLEAR TRANSFER)

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

TERMINAL DISCLAIMER

Assignees, Roslin Institute and Department for Environment, Food & Rural Affairs (having taken over the governmental functions of the Minister of Agriculture, Fisheries & Food), represent that they are the assignees of the entire right, title and interest in and to the instant application, Application No. 09/989,126, filed November 21, 2001.

Assignees hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application No. 09/989,125, filed November 21, 2001, of any patent on the pending second Application. Assignees hereby agree that any patent

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FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on Application No. 09/989,125 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignees do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent issuing from any patent granted on Application No. 09/989,125, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer. If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916.

FINNEGAN
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DUNNER LLP

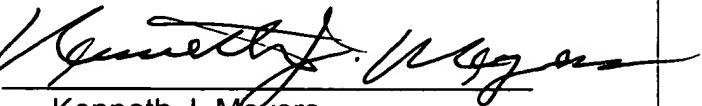
1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 11, 2002

By: 

Kenneth J. Meyers
Reg. No. 25,146

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER L.L.P.

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

SUBJECT: DECISION ON TERMINAL DISCLAIMERS INFORMAL FORM

DATE: 6/20/02

APPL. S.N.: 09/989126

TO EXAMINER: Crutch

ART UNIT: 1632

ROOM

MAILROOM DATE 4/11/02

AFTER FINAL YES NO NUMBER OF T.D(S). FILED 3

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this Informal memo in your next office action to notify applicant about the T.D. If you disagree with my analysis or have questions at all about the acceptability of the T.D., please see me or our Special Program Examiner. THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE IN LEFT IN FILE.

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Other: _____

Suggestion to request refund of \$_____ (See 14.35, 14.36).

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APR 15 2002

TECH CENTER 1600/2900

PATENT

Customer No. 22,852

Attorney Docket No. 07681.0019-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E
APR 11 2002
PATENT & TRADEMARK OFFICE
In re Application of:)
CAMPBELL et al.) Group Art Unit: 1632
Serial No.: 09/989,126) Examiner: D. Crouch
Filed: November 21, 2001)
For: UNACTIVATED OOCYTES AS)
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FOR NUCLEAR TRANSFER)

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FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

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01 FC:149 110.00 02

so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on Application No. 09/989,128 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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GARRETT & DUNNER, L.L.P.

Dated: April 11, 2002

By: *Kenneth J. Meyers*

Kenneth J. Meyers
Reg. No. 25,146

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202.408.4000
Fax 202.408.4400
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SUBJECT: DECISION ON TERMINAL DISCLAIMERS INFORMAL FORM

DATE: 6/20/02

TO EXAMINER: Crutch

ROOM _____

APPL. S.N.: 09/989126

ART UNIT: 1632

MAILROOM DATE 4/11/02

AFTER FINAL YES NO ✓ NUMBER OF T.D(S). FILED 3

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T.D. If you disagree with my analysis or have questions at all about the acceptability of the T.D., please see me or our Special Program Examiner. THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE IN LEFT IN FILE.

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Suggestion to request refund of \$_____ . (See 14.35, 14.36).

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